

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Bryant K. Marsh

Docket No. 5:09-M-1675-1

Petition for Action on Probation

COMES NOW Audra V. Basaldu, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Bryant K. Marsh, who, upon an earlier plea of guilty to Driving While Impaired- Level 5 in violation of 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1 and Speeding in Excess of 15 MPH Above Fixed Limits in violation of 18 U.S.C. § 13, assimilating N.C.G.S. 20-141 (j1), was sentenced by the Honorable James E. Gates, U.S. Magistrate Judge, on November 17, 2009, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 24 hours of community service during the first 60 days of probation as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.
3. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
4. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until his privilege to do so is restored in accordance with law.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant is currently being supervised in the Northern District of Georgia by U.S. Probation Officer Lisa Moore. On March 3, 2010, an administrative hearing was held in their district to address Mr. Marsh's failure to complete community service and failure to obtain a substance abuse assessment in the time frame ordered by the court. He agreed to complete his community service and submit to a substance abuse assessment in a timely manner. Additionally, Marsh was referred to Atlanta Psychological Associates for substance abuse counseling but did not keep any of his scheduled appointments. He also failed to report for a drug test on June 8, 2010.

Bryant K. Marsh
Docket No. 5:09-M-1675-1
Petition For Action
Page 2

On June 11, 2010, Marsh was arrested and charged with Criminal Trespass and Simple Assault/Battery in Georgia. Based on this charge, he was advised that he can no longer reside at his father's residence in Alpharetta, Georgia. The Northern District of Georgia informed our district that they are closing interest in this case. Mr. Marsh is unable to relocate to Fort Bragg where his wife and children live due to an active ban that was initiated by military personnel. Based on this information we are recommending that Mr. Marsh complete 14 days in the custody of the Bureau of Prisons and that supervision be subsequently terminated. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 14 days and shall abide by all rules and regulations of the designated facility, and upon completion of the jail term, the term of supervision is ordered terminated.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert K. Britt
Robert K. Britt
Senior U.S. Probation Officer

/s/ Audra V. Basaldu
Audra V. Basaldu
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: June 29, 2010

ORDER OF COURT

Considered and ordered this _____ day of _____, 2010, and ordered filed and made a part of the records in the above case.

James E. Gates
U.S. Magistrate Judge

Please set for revocation

(Hearing. Arrest warrant to issue.

This order to be served *[Signature]* 7/6/2010